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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,864	02/25/2005	Mark Hanlon	100918.0001US	2186
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Rutan & Tucker, LLP. 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626				
EXAMINER				
LANGDON, EVAN H				
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3654				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/525,864

**Applicant(s)**

HANLON, MARK

**Examiner**

EVAN H. LANGDON

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1, 13 and 21, the limitation that the second plane is “neither parallel nor co-planar” with the first plane, renders the claim indefinite. It is not understood how the Applicant's first plane, as defined by first panel 270 in Figure 2, is not parallel with the second plane, as define by the second panel 275. Parallel is defined as two or more planes that do not intersect. Clearly the first and second planes of the Applicant's invention, as seen in Figure 2, are parallel. For the purposes of examination, the limitation “neither parallel” has not been given any patentable weight.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

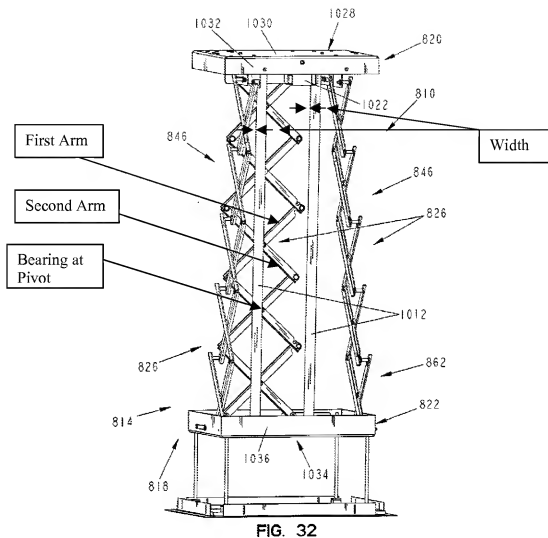
(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, 9-13, 17 and 21 are rejected under 35 U.S.C. 102(c) as being anticipated by Enchos (US 2002/0185637 A1).

In regards to claims 1 and 17, Enchos discloses a ceiling mounted lift, comprising:

a support frame 1028 housing a double fabric panel drive assembly 824 (Fig. 31) having a first panel 1012 having a width (see below) that defines a first plane, and a second panel 1012 that defines a second plane that is not co-planar with the first plane the panels operating to raise and lower a lifting platen 1034; and

a stabilizer 826 having a first arm and a second arm (Fig. 32 and 36, see below), such stabilizer disposed between the support frame 1028 and the lifting platen 1034, and disposed relative to the panels to prohibit motion in all but one plane.



In regards to claims 2, Enchos discloses the stabilizer comprises a bearing at a pivot (see above, Fig. 39) joining the first and second arms.

In regards to claim 4, Enchos discloses all movement of the stabilizer is substantially planar.

In regards to claim 6, Enchos discloses the drive mechanism comprises a double fabric drive roller 1014.

In regards to claims 9 and 10, Enchos discloses a home theater component comprising a projector 12.

In regards to claims 11 and 12, Enchos discloses a device 12 lowered for maintenance wherein the device lowered for maintenance at least one of a light fixture 12 (light in side of projector, see paragraph 156).

In regards to claims 13, Enchos discloses a ceiling mounted lift, comprising:  
a support frame housing 1028 a double fabric panel drive assembly 824 that operates to raise and lower a lifting platen 1034 using a fabric drive roller 1014; and  
the support frame housing sized and dimensioned to stow substantially above a ceiling surface 36 (Fig. 1).

In regards to claim 21, Enchos discloses a ceiling mounted lift having a double fabric panel drive assembly 824 with panels disposed in two different planes; a stabilizer 826 disposed in a third different plane; and the planes oriented such that the panels of the panel drive and the stabilizer cooperate to prevent motion in all but one plane (paragraph 155).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos (US 2002/0185637 A1).

In regards to claims 14, 15 and 20, Enchos discloses the ceiling mount having dimensions such that the lift can be mounted between ceiling joists, however, Enchos does not disclose specific values for the spacing between the ceiling joists and the spacing between the ceiling mounted lift and the ceiling joists. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to dimension the lift such that the lift can be mounted between ceiling joists spaced 16 inches on center and the mount is dimensioned such that there is at least 2 inches spaced between the mount and the ceiling joist.

With respect to claims 18 and 19, Enchos does not disclose specific values for the lift distance and the maximum payloads. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to have a lift distance of at least 50 feet and a maximum payload of at least 250 pounds.

In regards to claims 16, Enchos discloses a ceiling mounted lift, comprising: a support frame housing 1028 a drive assembly 824 that operates to raise and lower a lifting platen 1034 using a fabric drive roller 1014 having a fabric panel sufficiently wide to substantially prevent movement in a horizontal plane; and a ceiling panel 1045 (Fig. 34) held to the lift. The examiner

takes official notice that it is common knowledge to use a spring loaded or any other suitable adjusting nut to attach the ceiling panel to the lift.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos in view of McCandless (US 1,435,017).

Enchos disclose a bearing at the pivot point, but fails to disclose the details of the bearing. McCandless teaches a bearing arrangement for a pivot joint having a first hardened washer 17 on a side of a bearing 10 and a second hardened washer 17 on an opposing side of the bearing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bearing arrangement of Enchos to include a first hardened washer on a side of a bearing and a second hardened washer on an opposing side of the bearing as suggested by McCandless, to provide an inexpensive way to efficiently connect two members (lines 13-24).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos in view of Mayer (US 6,305,556).

Enchos discloses a ceiling mounted lift, but fails to disclose a wire management system. Mayer teaches a wire management system comprising a stabilizer 100 and a hole in the stabilizer (at 300, Fig. 3) and a tie wrap 318.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stabilizer of Enchos to include a hole and a wire wrap as suggested by Mayer, to ensure the cables are secured and fold with the action of the arm (col. 1, lines 28-36).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos in view of Anderson et al. (US 5,529,274).

Enchos fails to disclose the drive system controlled by a wireless transceiver. Anderson teaches a wireless remote controlled motor-driven drum 43, 49 to raise and lower a sign, having a wireless remote 15 and a transceiver 45, 47.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the control drive of Enchos to include a wireless controller as suggested by Anderson, to easily lower the ceiling mount for use or repair (col. 1, lines 37-38).

In regards to claim 8, Enchos as modified by Anderson teaches the lift for use with a home appliance enter (Enchos)

### ***Response to Arguments***

Applicant's arguments filed 03 January 2008 have been fully considered but they are not persuasive. In regards to the Applicant's amendment, the limitation "neither parallel" has been addressed in the above 35 USC 112 2<sup>nd</sup> paragraph rejection. The panels 1012 defined by the width above, are not co-planer. The Applicant agrees with this contention (Remarks p. 5.). In addition, the claims define the first panel as having a width that defines a plane, but the second plane is not defined. The planes of the first and second panels are not defined with respect to any structure.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN H. LANGDON whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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